

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MAGAN MARIE MAYS,

Plaintiff,

vs.

Civ. No. 09-662 KG/KBM

ALBERT PRESTON LONG,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Plaintiff's Second Motion for Default Judgment and Plaintiff's Memorandum Brief in Support of Second Motion for Default Judgment [Doc 201] Against Albert Preston Long, both filed on March 31, 2015. (Docs. 201 and 202). No response has been filed.

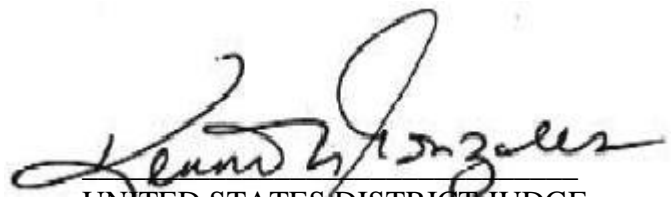
On November 26, 2014, Plaintiff and Court Services, Inc. stipulated to the dismissal with prejudice of all of the federal and state claims against Court Services, Inc. and CSI Extradition, LLC. (Doc. 195). Defendant Albert Preston Long is, therefore, the remaining Defendant. Plaintiff alleges only state claims against Defendant Long: intentional infliction of emotional distress (Count III of the third amended complaint) and false imprisonment (Count VI of the third amended complaint). (Doc. 123). Plaintiff seeks entry of a default judgment on the false imprisonment claim and an evidentiary hearing to determine damages.

Because Plaintiff and Court Services, Inc. stipulated to the dismissal of the federal claims in this case, the Court can only hear the remaining state claims if it exercises supplemental jurisdiction over those claims. *See* 28 U.S.C. § 1367. When all federal claims have been dismissed from a case, state claims based on supplemental jurisdiction will ordinarily be

dismissed without prejudice. *Roe v. Cheyenne Mountain Conference Resort*, 124 F.3d 1221, 1237 (10th Cir. 1997). Since Plaintiff and Court Services, Inc. stipulated to the dismissal of the federal claims over which the Court had original jurisdiction, and the Court finds no reason to depart from the ordinary rule, the Court declines to exercise supplemental jurisdiction over Plaintiff's remaining state claims against Defendant Long. Accordingly, the Court will dismiss those claims without prejudice and deny Plaintiff's Second Motion for Default Judgment as moot.

IT IS ORDERED that

1. the state claims against Defendant Long will be dismissed without prejudice, thereby terminating this case; and
2. Plaintiff's Second Motion for Default Judgment (Docs. 201) is denied as moot.



UNITED STATES DISTRICT JUDGE